

IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE  
W/S Burke Road, 290' S of  
Burke Road  
(1316 Burke Road)  
15th Election District  
5th Councilmanic District  
Victor J. Bongiorno  
Petitioner

\* DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 91-39-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit side yard setbacks of 17.81 feet and 22.62 feet in lieu of the required 50 feet each for a single family dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and

- 2 -

- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of September, 1990 that the Petition for Residential Variance to permit a single family dwelling with side yard setbacks of 17.81 feet and 22.62 feet in lieu of the required 50 feet each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The existing dwelling shall be removed within thirty (30) days of the issuance of an occupancy permit for the proposed dwelling. At no time shall the two dwellings be simultaneously occupied.

- 3 -

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated August 27, 1990, attached hereto and made a part hereof.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

- 4 -

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

September 10, 1990

Mr. Victor J. Bongiorno  
1316 Burke Road  
Baltimore, Maryland 21220

RE: PETITION FOR RESIDENTIAL VARIANCE  
W/S Burke Road, 290' S of Burke Road  
(1316 Burke Road)  
15th Election District - 5th Councilmanic District  
Victor J. Bongiorno - Petitioner  
Case No. 91-39-A

Dear Mr. Bongiorno:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Chesapeake Bay Critical Areas Commission  
Tawes State Office Bldg. - D-4, Annapolis, Md. 21404

DEPREM

People's Counsel

File

CRITICAL AREA  
PETITION FOR RESIDENTIAL VARIANCE  
91-39-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1.A.0.4.3.B.3. To allow a single family dwelling with side yard setbacks of 17.81 ft. and 22.62 ft. in lieu of the required 50 ft. each.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (Indicate hardship or practical difficulty):

1. Allow existing dwelling to remain until new construction is completed. No place to live with 2 small children who attend school.
2. No place to live with 2 small children who attend school.
3. Existing home is old and needs to be replaced. No place to live.
4. Existing home has only 2 bedrooms with 4 children. No place to live.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Victor J. Bongiorno

Signature

(Type or Print Name)

Signature

1316 Burke Rd Baltimore

1316 Burke Rd Baltimore

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:

Victor J. Bongiorno

1316 Burke Rd Baltimore

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of July, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 16th day of July, 1990, at 10 o'clock, AM.

ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date: July 20, 1990

By: Robert Haines

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at 1316 Burke Rd Baltimore (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

1. Allow existing dwelling to remain until new construction is completed. No place to live with 2 small children who attend school.
2. No place to live with 2 small children who attend school.
3. Existing home is old and needs to be replaced. No place to live.
4. Existing home has only 2 bedrooms with 4 children. No place to live.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

Victor J. Bongiorno

AFFIANT (Printed Name)

Victor J. Bongiorno

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of July, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared VICTOR J. BONGIORNO

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

July 20, 1990

Notary Public

My Commission Expires: October 1, 1992

91-39-A  
CRITICAL AREA  
Zoning Description  
Beginning at a point on the West side of Burke Road which is 30' wide at the distance of 290' ± South-West of the centerline of the nearest improved intersecting street Burke Road which is 30' wide. Runs 1st 1/2 1st Plat #1 in the Bowles Quarries Company as recorded in Baltimore County plat book #7, folio 12 containing 54 acres. Also known as 1316 Burke Road and located in the 15th election district

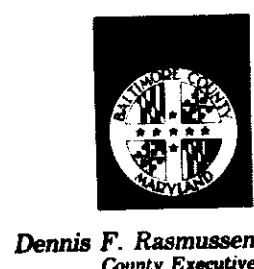


Baltimore County Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: R-001-6150  
Number: 2982  
Date: 7-20-90  
Victor Bongiorno  
1316 Burke Rd.  
Residential Administrative Variance  
Item #28  
Pet. Fee: \$35.00  
Sign: \$25.00  
\$60.00  
04404#0103MICHC  
BA C010:46A07-20-90  
Please make checks payable to: Baltimore County  
Cashier Validation:

Baltimore County Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: R-001-6150  
Number: 2994  
Date: 7/23/90  
H9100028  
PUBLIC HEARING FEES QTY PRICE  
010 -ZONING VARIANCE (IFL) 1 X \$35.00  
090 -POSTING SIGNS / ADVERTISING 1 X \$25.00  
TOTAL: \$60.00  
LAST NAME OF OWNER: BONGIORNO  
PAID AS PER HAND WRITTEN  
RECEIPT #2982 DATED 7/20/90  
Please make checks payable to: Baltimore County  
Cashier Validation:

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
18th day of July, 1990.

J. Robert Haines  
ROBERT HAINES  
ZONING COMMISSIONER

Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Victor J. Bongiorno

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: August 6, 1990  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Victor J. Bongiorno, Item No. 28

In reference to the Petitioner's request, staff offers no  
comments.

If there should be any further questions or if this office can  
provide additional information, please contact Jeffrey Long in the  
Office of Planning at 887-3211.

PK/JL/cmm

ITEM28/ZAC1

405 U B 990

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

July 25, 1990



Dennis F. Rasmussen  
County Executive

Mr. Victor J. Bongiorno  
1316 Burke Road  
Baltimore, Maryland 21220

Re: CASE NUMBER: 91-39-A  
ITEM NUMBER: 28  
LOCATION: 1316 Burke Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case  
number. Any contact made to this office should reference the case number. This letter also serves as a  
refresher regarding the administrative process.

1) Your property will be posted on or before August 8, 1990. The last date (closing date) on which a  
neighbor may file a formal request for hearing is August 23, 1990. Should such request be filed, you will  
receive notification that the matter will not be handled through the administrative process. This will mean  
advertising of the public hearing and reporting of the property. The public hearing will be scheduled  
approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you  
will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed  
from the property and returned to this office. Failure to return the sign and post will cause your Order to be  
held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the  
day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of  
the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He  
also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD,  
THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL  
REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS  
READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.  
ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING  
MAILED TO YOU.

Very truly yours,

J. Robert Haines  
(301) 887-3391

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

7/26/90  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 28, Zoning Advisory Committee Meeting of August 7, 1990

Property Owner: Victor J. Bongiorno

Location: 1316 Burke Road

District: 15

Water Supply: meter Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

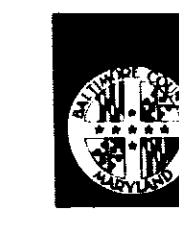
- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment  
for new existing or proposed food service facility, complete plans and specifications must be submitted  
to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality  
Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint  
processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or  
process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation  
which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new  
health care facilities, complete plans and specifications of the building, food service area and type  
of equipment to be used for the food service operation must be submitted to the Baltimore County Department  
of Environmental Protection and Resource Management for review and approval. For more complete information,  
contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations.  
For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination  
of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management  
at 887-3765, regarding removal and/or disposal of potentially hazardous materials and solid wastes.  
Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the  
contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior  
to removal or abandonment, owner must contact the Division of Waste Management at 887-3765.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.  
( ) The results are valid until \_\_\_\_\_  
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water  
and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore  
County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test  
( ) shall be valid until \_\_\_\_\_  
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property  
and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-  
logical and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental  
Effects Report must be submitted. For more information contact the Division of Environmental Management  
at 887-3980.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision  
regulations of the State of Maryland and Baltimore County. If there are any questions regarding the  
subdivision process, please contact the Land Development Section at 887-2762.
- ( ) Others: Review of soil conditions in area and evaluation of existing  
sewage disposal system will be required prior to approval by this  
dept. of a building permit to construct a new home on this property.  
Soil evaluation may be required. For further information, contact  
Mr. Robert Powell of the Water & Sewer Division at 887-2762.

BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

August 15, 1990



Dennis F. Rasmussen  
County Executive

Mr. Victor J. Bongiorno  
1316 Burke Road  
Baltimore, MD 21220

RE: Item No. 28, Case No. 91-39-A  
Petitioner: Victor J. Bongiorno  
Petition for Residential Variance

Dear Mr. Bongiorno:

The Zoning Plans Advisory Committee has reviewed the plans submitted  
with the above referenced petition. The following comments are not  
intended to indicate the appropriateness of the zoning action  
requested, but to assure that all parties are made aware of plans or  
problems with regard to the development plans that may have a bearing  
on this case. Director of Planning may file a written report with the  
Zoning Commissioner with recommendations as to the suitability of the  
requested zoning.

Enclosed are all comments submitted from the members of the Committee  
at this time that offer or request information on your petition. If  
similar comments from the remaining members are received, I will  
forward them to you. Otherwise, any comment that is not informative  
will be placed in the hearing file. This petition was accepted for  
filing on the date of the enclosed filing certificate and a hearing  
scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO  
MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS  
REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

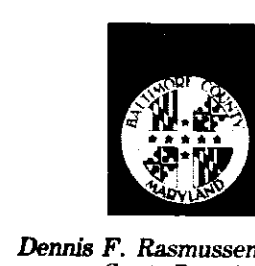
JED:jw

Enclosures

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500

Paul H. Reinecke  
Chief

JULY 30, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: VICTOR J. BONGIORNO

Location: #1316 BURKE ROAD

Item No.: \*28 Zoning Agenda: AUGUST 7, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site  
shall comply with all applicable requirements of the National Fire  
Protection Association Standard No. 101 "Life Safety Code", 1988  
edition prior to occupancy. CHAPTER 22

REVIEWER: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK









Facing  
East  
Toward  
Rear  
of  
home



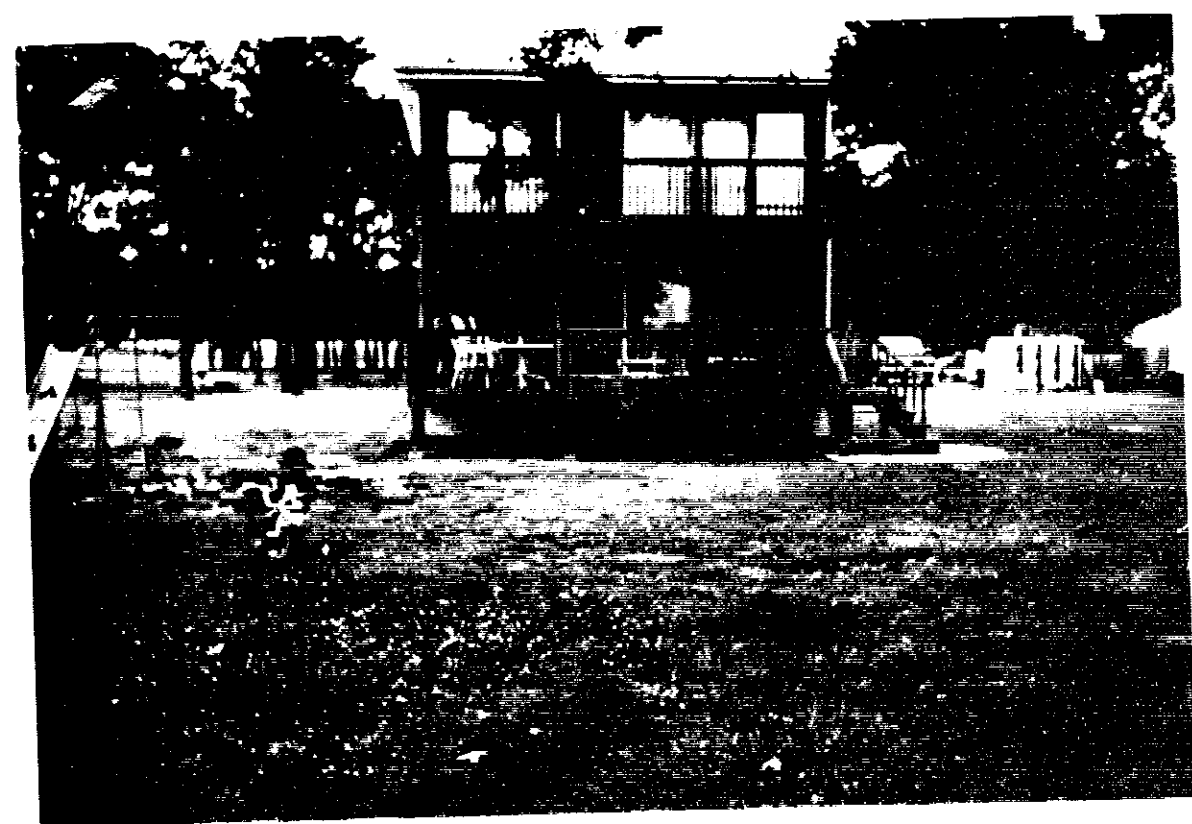
Facing South on North Side of house



Showing property line  
between homes on South side  
From surveyors stake



Showing distance between  
front of home and front street  
Tree line is property line  
Facing North-East



West  
End  
of  
home  
Facing  
East



Bulkhead of adjoining property



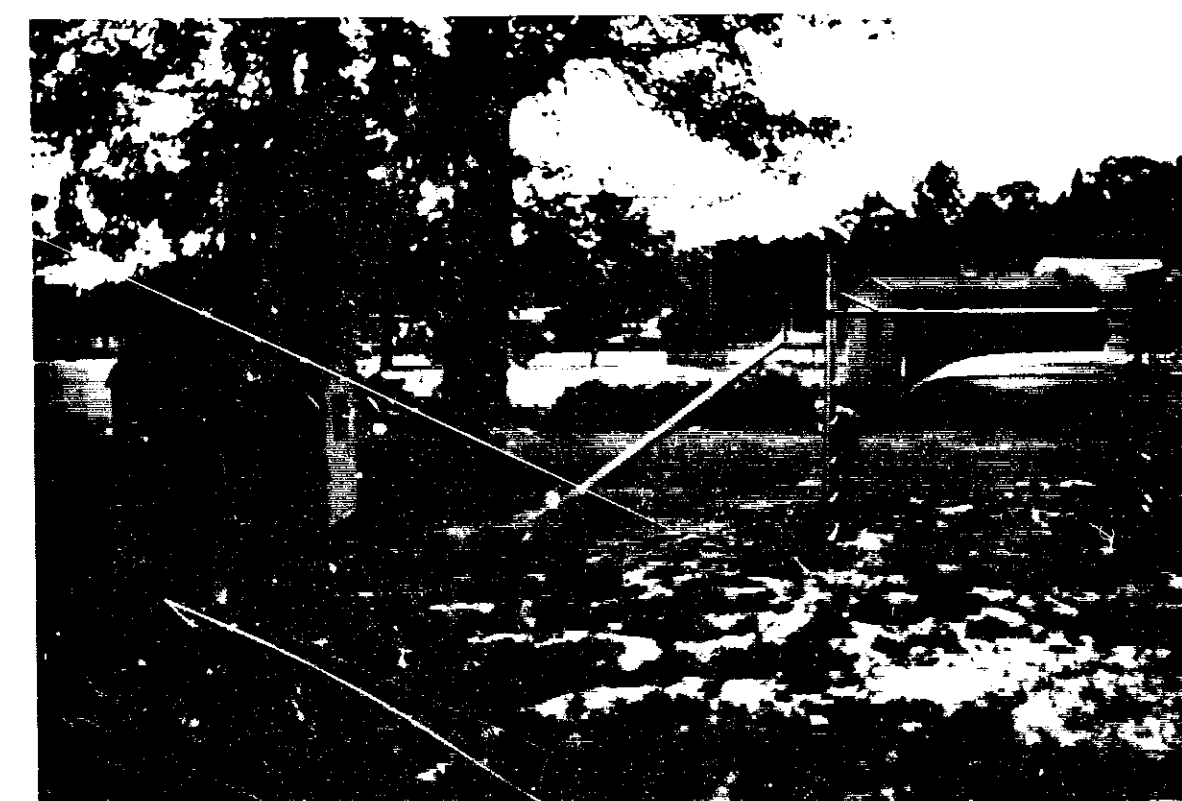
Showing existing front of home  
with driveway facing North-West



Picture showing North side  
property line from surveyors  
stake facing west



Facing west along  
South side of home



Showing adjoining property  
facing North with existing foundation



Showing set back side  
of existing foundation - near back  
and property line



Facing North showing adjoining  
property from my property line



Rear of home on West side



North side of property line  
Facing East



Facing East showing rear  
of home from bulkhead



Showing next door from property  
line facing south